

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JULY 16, 2002

Chair Mathewson called the meeting to order at 7:03 p.m. in the Twin Pines Senior and Community Center.

ROLL CALL:

Present, Commissioners: Mathewson, Parsons, Gibson, Feierbach, Frautschi

Absent, Commissioners: Wiecha, Torre (arrived at 7:05 p.m.)

Present, Staff: Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Associate Planner Swan (AP), City Attorney Savaree (CA) Recording Secretary Flores (RS)

AGENDA AMENDMENTS: None

COMMUNITY FORUM (Public Comments): None

CONSENT CALENDAR:

Minutes of June 18, 2002

MOTION: By C Parsons, seconded by C Gibson, to approve the minutes of June 18, 2002. Motion passed 5/0/2, with C Wiecha and C Torre absent.

Commissioner Torre arrived at 7:05 p.m.

STUDY SESSION: None

PUBLIC HEARINGS:

PUBLIC HEARING - 501 MIDDLESEX ROAD: To consider a Single-Family Design Review to allow construction of a 627 square foot ground-floor addition to an existing 1,426 square foot single-family residence. The remodeled residence would total 2,053 square feet in a zoning district that permits a maximum floor area of 3,500 square feet for the subject site. (Appl. No. 02-0016); **APN: 040-273-090; Zoned: R-1C (Single-Family Residential); CEQA Status: Exempt; Fred Schoenlank (Applicant) Joe Dermenjian (Owner)**

AP Swan summarized the staff report, recommending approval and stating that the applicant was available for comment.

Responding to C Mathewson's questions, AP Swan stated that the Public Works and/or Police Departments would be responsible for review of the possibility that the large debris box would impede traffic lines, and that the "temporary" encroachment permit typically is valid for the duration of the construction project. She added that some discussion had been held between Code Enforcement and Public Works regarding the debris box. C Feierbach asked that the applicant be requested to remove the large debris box and put a normal size debris box either on the street or on the property. CDD Ewing interjected that this would be a "cooperative" request rather than anything over which the Commission has direct authority.

Joe Dermenjian, homeowner of 501 Middlesex Road, stated that the box in question is not a debris box; it is a 40' shipping container holding all of the applicant's household possessions. He explained that the project

came about due to the necessity to pull everything out of the house because of a storm and subsequent severe problem with dry rot. The applicant had anticipated that the project would be finished by this time, and is hoping that the container will be removed within the next month or two.

Responding to C Gibson's question regarding what appeared to be trenching for the addition, Mr. Dermenjian stated that an atrium was torn out and he now needs to put some dirt back into the trench since he dug a little too deep.

C Mathewson opened the Public Hearing.

Wilma Kartman, 508 Mountain View Avenue and representing the Sterling Downs Neighborhood Association, stated that quite a few people in the neighborhood have expressed their feelings that the storage box is an eyesore, there is a broken window facing the street, and the entire property looks neglected. She feels the City should be able to limit the time it takes to complete a project like the one in question.

CDD Ewing noted that the Encroachment Permit is outside of the limits of the Planning Commission's authority and cannot be a condition of approval.

MOTION: By Commissioner Gibson, seconded by Commissioner Parsons, to close the Public Hearing. Motion passed.

C Feierbach asked that Engineer Duncan Jones, Public Works Department, explain the policy with regard to a large container. Mr. Jones stated that the policy is that the permits are good for 90 days unless it is determined that they need to be there for a longer period. He agreed that the policy probably needs to be more formalized and the constraints need to be tightened up, and that in the future they should include a time-specific for Encroachment Permits to expire. Staff has looked at the box in question and determined that it is not a particular hazard where it is but is an eyesore. They feel that going another couple of months at this point is the best solution to get the project over with and learn from what was not done right this time. He clarified that there is no regulatory difference in the treatment of storage containers, debris boxes, portapotties or anything that is placed in a right-of-way. Responding to C Feierbach's question about how long the project can continue, Mr. Jones stated that if the applicant were to apply for additional building permits, a time limit could probably be incorporated into the permit.

CA Savaree noted that temporary encroachment permits are not on the agenda and are not anything that the Planning Commission looks at; they are looked at administratively in the Public Works Department. She added that the applicant has heard the concern of the neighborhood and the Commission, and, if she understands Mr. Jones correctly, with the issuance of any new permit the use of that storage container will be limited time-wise.

Responding to C Parsons, Mr. Dermenjian stated that once the house is completed they will start landscaping in the front yard.

MOTION: By Commissioner Gibson, seconded by Commissioner Feierbach, to adopt the Resolution approving the single-family design review at 501 Middlesex Road.

Ayes: Gibson, Feierbach, Frautschi, Torre, Parsons, Mathewson

Noes: None

Absent: Wiecha

Motion Passed 6/0/1

PP de Melo stated that the typo in the Resolution included with the staff report will be corrected to note that the address is 501 Middlesex Road, not 510.

C Mathewson stated that the item may be appealed to the City Council within ten days.

PUBLIC HEARING – 470 RALSTON AVENUE: To consider a Grading Plan in conjunction with the Arco Gasoline Service Station remodel. The proposed Grading Plan consists of 4,496 cubic yards of earthwork to allow for underground tank removal/replacement and surface grading for the service station remodel. The Conditional Use Permit and Design Review Permit for the remodel was approved by the City Council on August 14, 2001. (Appl. No. 02-0021); APN: 040-316-010; Zoned: C-1 (Neighborhood Commercial); CEQA Status: Exempt; Tait & Associates, Inc. (Applicant); BP West Coast Products, LLC (Owner)

PP de Melo summarized the staff report, recommending approval.

With regard to future construction of this project, C Feierbach stated that she feels that renters within 300 feet need to be notified, even for the excavation permit. C Frautschi asked if there will be a liaison person for people in the neighborhood to contact as the project is going on. PP de Melo responded that the applicant has committed to posting on the site the name of a representative who will be available on a 24/7 basis to be contacted for any project construction component of this development. The name will also be available in the Community Development Department. C Gibson could not see a condition requiring a hauling permit. He further stated that he would like to receive PDF documents so that he could search for items like that. CDD Ewing agreed to investigate what would be involved to accomplish that. C Mathewson confirmed with staff that the applicant is well on the way to addressing the health and safety questions related to fuel and the underground storage removal tanks for the site.

Tom Schoenstein, Tate and Associates, representing BP and the owners of the Arco service station site, indicated that they accept and agree with the conditions and would like to proceed with the project. Responding to C Gibson's question, he estimated that the absolute worst case for soil movement would be 4,500 yards out and 4,500 yards in, depending on the extent of soil contamination. C Feierbach asked if the renters in the neighborhood could somehow be notified of the start of the program. PP de Melo responded that the applicant could certainly be asked to accept a condition that renters within a 300 ft radius be notified. Pete Tobin responded that they would be happy to circulate a letter to all neighbors within 300'. C Frautschi asked about staging plans for the large number of trucks that will be required. Mr. Schoenstein responded that a hauling permit will be required that will include traffic plans and restrictive hauling hours and that a pre-construction meeting will be held with the Building and Public Works Departments to discuss these issues.

Regarding the potential for a conflict between grading, hauling and the fire station construction, PP de Melo noted that this has been considered and will be discussed at a pre-construction meeting with both proponents together to discuss a forecast for construction operations for these projects, since they are anticipated to be going on at some level at the same time. It is anticipated that if the grading plan is approved the applicant's timetable for starting the grading operations is about the middle of August, which is well before the fire station would start breaking ground.

Dean Peterson, Director of Environmental Health for San Mateo County, discussed what has taken place regarding health safety environmental issues noting that it has been determined that the best thing to do with soil contamination is to remove the soil, move it out of the neighborhood and off to either appropriate land fill sites or appropriate sites where it can be remediated. C Feierbach asked if the County tests soil outside the perimeter of the station. Mr. Peterson responded that quite a bit of testing of soil, ground water, and indoor air sampling in the neighborhood was conducted in approximately May 2001.

MOTION: By Commissioner Gibson, seconded by Commissioner Frautschi, to close the public hearing. Motion passed.

PP de Melo stated that he could not locate a condition for the hauling permit, but the standard condition can be added for this project. C Feierbach asked that a condition be added to require that all the apartment tenants on Masonic be notified 5 to 7 days prior the initiation of excavation, with a contact phone number included.

CDD Ewing noted that it needs to be understood that there could be more grading than the actual numbers in the staff report, and given that it is a County-mandated remediation program, if there are more cubic yards than shown in the staff report are required to be removed, staff will not be bringing it back to the Commission as an amendment.

MOTION: By Commissioner Feierbach, seconded by Commissioner Parson, adopting the resolution approving the grading plan application, subject to the conditions of approval with the addition of conditions requiring notification of the nearby apartment tenants and issuance of a hauling permit.

Ayes: Feierbach, Parsons, Frautschi, Gibson, Torre, Mathewson

Noes: None

Absent: Weicha

Motion passed 6/0/1

Chair Mathewson stated that the item can be appealed to the City Council within ten days.

PUBLIC HEARING – GENERAL PLAN AMENDMENT – REVISED HOUSING ELEMENT: To consider an amendment to the Belmont General Plan to adopt a revised Housing Element – 2001-2006. The proposed Element describes policies and programs for meeting the City of Belmont's 'fair share' of the Regional Housing Needs Determination through 2006, including secondary dwelling units ("granny flats"), in-fill / mixed use development and housing for seniors and other groups. CEQA Status: Negative Declaration (draft); City of Belmont (Applicant)

CDD Ewing summarized the staff report and the requirements and organization of the Housing Element itself. He made a correction to page 6 of the staff report, noting that reference to a table attached as Exhibit B in the second paragraph should be changed to refer to Chart 5-1 on Page 5-2 of the Housing Element. In summary, he stated that the strategies for meeting the City's "fair share" of the Bay Area's future housing needs, determined to be 317 low- to above-moderate income units, has been approved by HCD, and that a CEQA environmental review with a proposed negative declaration were provided. Staff believes that there is no potential significant adverse environmental effect from the adoption of the element as proposed. CDD Ewing recommended that the Planning Commission receive public testimony and adopt the resolution recommending the proposed Housing Element revision to the City Council. He reviewed a chart comparing Belmont with four nearby communities that might have a tough time meeting their "fair share" requirements and concluded by saying that he believes we have a very good Housing Element that walks an important line between Belmont's needs and the State mandate.

C Parsons asked CDD Ewing to walk the Commission through the process that has taken place to date, since the Commission had not reviewed the document before it went to the State Clearinghouse and Council has already reviewed it. CDD Ewing reviewed the process, noting that two public workshops had been held last year subsequent to preparation of the draft document. Staff decided to seek HCD certification prior to going through the local public hearing process, believing it is better to have HCD certification in hand in order to get a sense that what would be proposed to the Commission would be approved by HCD. Any changes the Commission wants to make at this point can then be reviewed by HCD to determine whether we've moved beyond the bounds of their perspective. Council's approval of the overall strategies was obtained before getting into the detail work, because it is the Council who will eventually have to accept it. Now it is in the formal adoption stage, which by State law must come to the Commission through a public hearing before it can go back to Council for adoption.

Commissioners' questions and/or comments are below (in italics), followed by CDD Ewing's responses.

C Torre:

Explain the decision to count student housing as a housing unit. CDD Ewing: Until about 1998, the Census Bureau's definition of student housing was a living unit that had cooking facilities and a separate entrance to the outside or a common hallway that entered to the outside, and the State has always relied on the Census definition in that regard as the rule for Housing Elements. The definition from the Census Bureau changed in 1997 or 1998 to delete the reference to a cooking facility, so that now each unit in a congregate care senior housing complex with a common kitchen can be deemed a housing unit. Convalescent homes are not housing units, and it is possible that there may be an argument that standard college dorms may not be a

housing unit. They will still have to explore with Notre Dame University where there might be common ground, such as married student housing or faculty housing where the faculty meets the income criteria. He feels it is possible to come to an understanding through a development agreement where, through using low- and moderate-income housing or density bonus those units can be made affordable to satisfy this commitment. Whether the standard dorm would qualify is an open question that needs to be explored further. He thinks that Belmont and one or two other cities in the State deserve credit for forcing HCD to acknowledge that the housing unit definition had changed since 1990 when the last Housing Elements were prepared.

Clarify the discussion regarding disabled housing and the development of multi-family housing, on pages 3-18 and 5-18 of the Housing Element, respectively. CDD Ewing: The application of this program would not result in a project being completely exempted from careful review because there were some accommodation sections to it. The commitment is to study what it means to provide reasonable access and reasonable accommodation to the disabled. He added that this is a new rule that was made effective as of January 1st of this year. HCD said that the cities need to respond to this requirement, and we responded with a commitment to look at it more carefully. Regarding item 20 on page 5-18, not all residential projects are exempt from CEQA, especially not multi-family developments. HCD has taken a strict approach to allowing multi-family projects as multi-family zones by discretionary review in R-3 zones, and staff believes that a governmental constraint put in front of housing can only be removed by making multi-family housing permitted by right; this is one of their very tough rules to overcome. Our strategy was to say that if it's exempt from CEQA we would create an administrative process for that, and the HCD said that that is acceptable. This is to exempt conditional use permits; the Commission would still get design review but the use and number of units would be by right. Since the Commission would give up control over density on exempt projects, neg decs become an important local issue. The State would look very carefully at cities that try to rezone themselves out of their obligation. He added that there is legislation proposed that if a city rezones any property in a direction contrary to what its Housing Element states, it must revisit the Housing Element and let HCD certify that it is still valid. He recommended that the City face the fact that we have a commitment, we have some good strategies that will allow us to meet many of those requirements and still preserve what Belmont is.

C Torre added that she likes the variety of approaches for meeting the cities fair share requirements and believes the housing plan should be adopted on a good-faith basis.

C Gibson:

Questioned the use of the word "insure" on page 4-8 in the second paragraph, second sentence, where it says: "In addition, the City will insure that 10% of the Ralston Village Project. He asked if the word "request" would work in place of "insure". CDD Ewing: Agreed that it is a "loaded" word and stated that he would rely more on the language of the actual objective and program, and quoted from page 5-15, second paragraph of item 11: "The City will pursue entering into agreements with developers of the 80-unit Ralston Assisted Living facility." This is how we will insure this—we will pursue entering into agreements. *C Gibson noted that the next sentence says "anticipates requiring.."* CDD Ewing: If it said "the City will require," that would be a greater commitment than "anticipates requiring." He explained that the development agreement is a contract between two parties to which both have to agree, and what we are committing ourselves to do is to use the full faith and effort of the City to try and find agreement. There is money to use with low- and moderate-housing funds, we have development incentives that can be assembled, and we will do those to the best degree we can—that's what this commits us to. Where there is land owned by low- and moderate income housing funds the commitment is to do. Everything else is a commitment to try.

C Mathewson:

Who is the final judge on the success of the attempts to try? CDD Ewing: State law requires the City to do an annual report of its General Plan, and then in five years when we go through this process again, we are required to revisit our success in implementing the Housing Element as a part of our next Housing Element. That commitment could be tightened up as legislation is being promoted by housing advocates in the building industry where cities now become more financially responsible for failure to have a certified Element or failure to implement a certified Element. Penalties could be losing State gas tax funds, paying for the legal costs of the challenging party, etc. The State is seeking ways to hold cities to a higher standard of implementation than they have been to date.

C Parsons:

To clarify what they've been saying, C. Parsons stated that this is a sensitive document, how we deal with it is sensitive. The State does have clout and this is a good faith effort to develop a plan which is innovative and offers some solutions, that shows that we have tried to find a way to accommodate housing on all levels, or will try with this plan, in an area where the big item is the cost of property and the lack of property. For the record, we should speak in very clear and succinct and supportive terms that we are in support of such a process.

C Frautschi:

When are new units actually counted toward meeting our "fair share"? CDD Ewing: The unit is counted in the year that a building permit is issued, and occupancy is another threshold. The State will ask us to report when the unit is completed and occupied as well, so we track them by when the permit was issued, how the unit was described on the permit, and then when it was occupied. He guessed that the State is satisfied when the unit is occupied.

Explain how we determine that we have a secondary unit and that the unit is legal. Are there units that haven't been made legal but can be? CDD Ewing: It became relevant for policy purposes in 1982 when the State of California decreed that cities could not prohibit second units in R-1 zones, and suddenly every R-1 lot in California became a potential R-2 lot. That was the worst case fear among cities, counties and planners. It forced cities to make provisions for second units and we have an ordinance that gives us the ability to review and approve or deny if certain findings aren't made in the Conditional Use Permit process. Cities have been giving building permits to legal second units for years when they were allowed, and then the housing market has created illegal units up and down the state, especially in high-cost areas, and Belmont is no exception to that. It's a complex issue because the State has gotten involved but we also know that there are illegal units out there. But we do not count, nor do I recommend that any city count, illegal second units because we don't know that they are even safe, that the wiring and the plumbing is safe, or that they are habitable for any good purpose until they are made legal with a building permit and whatever zoning clearance has to happen with it. We would want to legalize those units, and once we legalize them we can count them. Where we run into some problems is where many of those units, whether existing and illegal to be made legal or proposed new, are on streets where there are problems with on-street parking. They're on small lots in narrow hillside areas where units are really troublesome. Should we allow it to happen based on where the market puts them when people decide they want to thumb their nose at city rules and just create one, and then back fill it with a legal permit later, or do we want to take a more measured look and at it when someone proposes it? I think we ought to be pretty tough on looking at illegal units and that whole problem of asking for forgiveness or permission

Is the city pursuing illegal units to make them legal—is it easy for people to do that? CDD Ewing: It's not easy to make it legal because a CUP and the required off-street parking, etc. are triggered when someone proposes to make a second unit.

How do we find out what units are secondary units? CDD Ewing: On a complaint basis. The City does not have a list of illegal units—we have a list of recently approved units. The only ones that are legal are the ones that are approved. The only legal units that haven't been recently approved by you through the CUP process would be second units that might have been built many years ago with permits and we don't know about those and how many there are. There could be anywhere from 5 to 500, but he doubts there are that many. If you believe that there is a second unit that you don't think we took through the formal CUP process and you bring it to us, we will investigate it as a potential violation of the City's Zoning Ordinance and pursue it.

C Feierbach:

Are the categories low and low-to-moderate mutually exclusive? I.e., if the requirement for low-low is 30 and you have 50, do the 20 in addition to the 30 go into the next bracket? CDD Ewing: The brackets are discreet – they are mutually exclusive. However, if the City provides a higher number of very low units than required the State would be ecstatic and we would be able to easily argue that they should count toward our numbers. In fact, our strategy is to not break out the very low from the low – our strategy is to provide those units in both categories (i.e., San Mateo Mental Health 25 units, College of Notre Dame 30 units,

Ralston Village 8 units), combining them to satisfy very low and low without breaking out which are which, and the State accepted that.

Could we change the A zoning to 0, like HR-0? C Feierbach does not want to see Water Dog Lake, for example, become a utilized area in the future. CDD Ewing: We've identified, on page 46, that the development potential is zero in the A zone, and so we're saying that whether it's categorized as underutilized or vacant there's no potential for development of housing in the A zone.

Regarding outreach, can we make sure that renters and not just property owners are notified, and include that as part of our Housing Element, or would we have to go back to HCD for that change? CDD Ewing: Whatever final adopted Housing Element comes out of the Council has to be sent back to HCD for their final certification. What we have today is a letter from HCD that says "If you adopt this Element, we would certify it." Staff and the consultant will look at any changes that come from Council to determine if they might be contrary to the direction HCD wants us to go. Notice to renters seems like a good idea but we would try to get a read from HCD on that.

C. Feierbach stated that she would want renters to receive the same type of notices that are given owners for any projects. CDD Ewing did not see this as a housing policy; it's more of a City policy about how we do noticing on our projects. He felt that the outreach policy is an administrative policy that the Council could change at anytime, without having it as a General Plan amendment. It would be changed as a policy direction from Council.

Regarding the 80-unit Ralston Village, C Feierbach was concerned about the applicant having to provide the 10% low-to-moderate units, and said that CDD Ewing had indicated that the City could possibly use redevelopment funds to subsidize that kind of effort. Would the Element as written preclude that kind of thought process? CDD Ewing: The commitment in the Housing Element is to try to put together a development agreement with the developer, so that 10% of the units are reserved for very low and low-income. What the actual terms of that agreement might be are unstated here but could include providing low and moderate income housing funds to buy down those units, or other relief to reduce the cost so that the developer is willing to enter into an agreement and hold those units affordable and basically give up value of those units for the benefit of low- and moderate households. The City essentially buys down by either reducing the developers development costs in some way or by buying down the cost through new money.

Added that the Housing Element is a great reference tool and thanked staff and the writer for the making it available.

C Mathewson:

If we had to amend it for some reason, would it be conceivable to use some of the updated 2000 census data as opposed to the 1990? CDD Ewing: Yes

Did the State-mandated program for police officers include firefighters? CDD Ewing: Public Safety officers are not included in that group—they're defined but it's for police only. It's not mandated, it's enabling legislation redevelopment agencies could use if desired.

Why is it that none of the people eligible for those funds would not be able to use them under the current situation? CDD Ewing: Our rules previously looked only at the income of the individual officer, but the rules really require that we look at household income. They're all two-income households, and when you take household income they don't qualify.

Is the mobile home park in the Harbor Industrial Area part of the area that we're proposing to have join with us? CDD Ewing: No. it is not.

What areas in the downtown area that are zoned R-4 might be used to develop housing density of 30 units to the acre? CDD Ewing replied we included all parcels that were at least ½ acre and also developed to 50% or less of its maximum capacity.

Are park-in-lieu fees a sliding percentage? PP de Melo: They're established by ordinance based on the number of acres per park land at five acres per one thousand people. It is a standard fee that is imposed on all subdivisions; any project that requires a tentative map of any kind. The exact fee would be based on a fixed ratio but then also is contingent on the fair market value of the property that would otherwise be converted into park land.

C Mathewson stated that he is uncomfortable with the concept of giving a Community Development Director blanket authority to issue Conditional Use Permits. He added that this comment was not directed at the current occupant of the position, but that they do not know who will be sitting in that chair in the future.

Referring to page 3-19, asked for clarification of the mention that a definition of "family" is in conflict with State law. CDD Ewing: The State courts have ruled that defining family is an invasion of privacy and have struck down a number of efforts to define family in terms of defining relationships between persons. Belmont's code is archaic in that regard and needs to be deleted. He confirmed that if the seven Commissioners decided to move in together, they could call themselves a family, adding that the City of Santa Ana has worked very hard to try to find a definition of family because they have so many problems with migrant workers--twelve to an apartment--and they have yet to satisfy the courts in this regard.

Asked for a definition of a federal program called HOME referred to in Chart 4-4 on page 4-10. CDD Ewing: It is not an acronym but is a collection of State programs that provide mortgage assistance, subsidies for development, housing write-downs for development of affordable housing. The State has a notice of funding available every year and it is household-income-based.

He is uncomfortable with the planned unit development concept. He thinks it more often than not has been shown to be used by developers to get away with things that we would not normally let them get away with. Encouraged care in using Planned Development.. He wondered why this concept was not applied to the Summerhill, Sunrise and Ross Woods projects, or what is the rationale is for going ahead with it now? CDD Ewing: The council did wrestle with the issue of requiring affordable units in the Summerhill project and there were a number of alternatives presented to the Council by the developer of total housing units, number of affordable units reserved and a park-in-lieu payment. The Council looked at those alternatives and selected one of the alternatives that went for maximum park-in-lieu fee and no affordable units. He believes that this Housing Element holds Belmont and all cities to greater account for that affordable housing component, and with a Housing Element that is ten years out of date and a State that hasn't created these regional numbers in quite awhile because of their funding limitations during the 90's, the commitment has weakened. With this new Element, the commitment has been re-upped and these are projects of 2001-2006, where Summerhill and Sunrise were not. He assured C Mathewson that new projects that haven't even been thought of will be dreamed up by a developer for a piece of property in Belmont and staff will remind the Commission and Council about the Housing Element

What would be a mechanism to develop an amnesty program or legalization for secondary units? CDD Ewing: He would defer to PP de Melo because he worked in Daly City and Daly City probably has the most aggressive, successful local amnesty program targeted at second units, and we can learn from them. Basically, it's an outreach program to publicize and create the terms under which someone could get an amnesty. This would need to be sorted out as a policy question. I.e., would we waive the parking requirement? What amnesty would be offered to encourage them to come in?

Brad Leibman, representing Ralston Village, thanked CDD Ewing for keeping him and his partners informed, and let him and the Commission know that if there is anything they can do to make something work, they would have his endorsement and cooperation. He stated that, when they started working on this project two years ago, they were assured by staff at that time that there would be no affordable, low-cost housing attached to the project. They have tried to work closely with the City to come up with a design of an independent (not assisted living) senior condominium project, and have already spent almost a third of a million dollars in developing the plans. The condos are designed to meet the medium price of the seniors in the City of Belmont that will provide the services that they believe the senior market is requesting, and they've done their best to reflect the comments that they have received from the Commission and Council. They are concerned that if they are required to have very low cost units, their project will not be viable. They are willing to try to come up with a solution but it is a very frightening prospect.

MOTION: By Commissioner Parsons, seconded by Commissioner Frautschi, to close the public

hearing. Motion passed

C Feierbach:

How can we perhaps alleviate Mr. Leibman's concerns and couch it so that he can get his project, whatever it will be, and that it is not forced upon him? CDD Ewing: The best protection Mr. Leibman has is the fact that a development agreement requires his participation and agreement; this is not a commitment to impose – this is a commitment to negotiate.

C Gibson:

Commented on Hillsborough's Housing Element, which he called very aggressive. He said they had met hardly any of their 1995 goals and seemed to be saying nothing would be different this time. He commented on Belmont's draft Housing Element at three levels. The first level he called "report quality" and said it is very well written and organized. The second level was whether it does what it is supposed to do. He said "yes," that it appears to meet State requirements without endangering open space. He then commented on the overall housing planning process, which he felt was arbitrary and irrational. He thought the real purpose of the State requirements was to allow grandstanding by State politicians. He especially thanked CCD Ewing, calling him a genius for doing an excellent job on a difficult assignment.

C Mathewson:

Do any of the units at the Sisters' Residence count towards anything? CDD Ewing: They may. It will depend on how we issue the permit and how we describe the building for purposes of occupancy as to whether they will count as a dorm and not be housing units, although they will be housing units but he will look at it.

MOTION: By Commissioner Parsons, seconded by Commissioner Torre, recommending that the Planning Commission recommend to the City Council that they adopt the proposed Housing Element Revision for 2001 to 2006, as presented.

CDD Ewing noted that there are a number of minor technical corrections that need to be made, which will be done after review by the City Council.

Ayes: Parsons, Torre, Frautschi, Feierbach, Gibson, Mathewson

Noes: None

Absent: Wiecha

Motion passed 6/0/1

Commissioner Mathewson commented for the record that he voted "yes" reluctantly because he has serious concerns about some items that will end up becoming law that the City will have to live with.

C Mathewson called for a recess at 9:30 p.m. Meeting resumed at 9:35 p.m.

NEW BUSINESS:

Determination of General Plan Conformance. Transfer of Real Property and Vacation of Right-of-Way, Fire Station 14 / 911 Granada Way.

CDD Ewing summarized the staff report, recommending adoption of the resolution..

MOTION: By Commissioner Parson, seconded by Commissioner Frautschi, recommending adoption of the resolution reporting to the City Council a determination of General Plan conformance for the proposed transfer of certain public properties to the South County Fire Authority, with all the data provided in the resolution.

Ayes: Parsons, Frautschi, Feierbach, Gibson, Torre, Mathewson

Noes: None

Absent: Wiecha

Motion passed 6/0/1

OLD BUSINESS:

City Council / Planning Commission Tour – Review of Projects List

After discussion, it was agreed that Commissioners will submit their "Top Ten" list of projects of special interest to ZT Froelich by Friday, July 22nd. C Torre asked that they be notified of the date of the tour at least four weeks in advance; CDD Ewing stated that it would be late September or October at best.

REPORTS, STUDIES, UPDATES AND COMMENTS

Commissioner Parsons noted that the replacement redwood trees at the U-Haul site have been pruned up to about a foot at the top, and he is not sure they will survive. He wanted it on the record so that they can go back to U-Haul if the trees do not survive the pruning.

C Mathewson stated that there might be a tree dying in front of the Belmont Vista as well.

C Frautschi stated that a month ago he was advised that the Parks Department would deal with the multi-trunked dead tree in the parking lot and it's still there. CDD Ewing responded that the tree has been scheduled for removal and he will follow up with Parks and Recreation Director Karl Mittelstadt.

C Frautschi informed the Commission that he is sending a memorandum to the Mayor and the Council regarding intermediate stops on the baby bullet train route supporting stops in Belmont.

PP de Melo stated that staff is proposing a Planning Commission Study Session/Field Visit to the Ralston Village site to view story poles on the project. This will take place on August 6, 2002, between 6:00 and 6:30 p.m., prior to the regular meeting. Public noticing will be prepared. Chair Mathewson recommended that it commence no later than 6:15 p.m. so that the regular meeting can start at 7:00 p.m.

CDD Ewing reported on the following items:

Public Opinion Survey results were provided to the Commission via e-mail from Dan Rich.

PCRC project is back in—the project is moving along slowly. A recent development is that the initial contractor absconded with the funds so they had some real problems to overcome.

Commissioners have been provided with the Code Enforcement Policy.

The single-family design review was revised adding Belmont to the list.

Debris behind Notre Dame High School is being monitored.

ZT Froelich is preparing a list of all of mitigation monitoring programs, which turned out to be only 11 projects over the last two years. Staff will be investigating and reporting back to the Commission on our success in implementing those mitigation measures and will probably need to make this an ongoing program rather than a sporadic report.

The meeting on construction noise with Chair Mathewson, Commissioner Frautschi and the Police Chief has not been possible to schedule due to conflicting schedules. It now looks like it won't be able to happen until August.

The Code Enforcement Officer will be going to Council in the next couple of meetings asking for a revision to the Code Enforcement Policy to allow more discretion to do sweeps in the commercial area rather than waiting for complaints.

In September, Council will be asked to prioritize projects for the next six months. The Commission will be consulted in advance of that meeting, in order to add to it as they see fit. A six-month review of Council priorities will be a regular routine in the future.

C Mathewson asked what conclusions they came to at the Study Session on Design Review. CDD Ewing responded that we are asking for direction. The Council is basically getting the same memo and staff report that the Commission received, with an additional paragraph describing the Commission's comments. Council will set the actual direction that we will be following at staff level and bringing to you in the form of an actual zoning amendment and options. The main issue is to lay out all of the various ordinances that the Commission deals with – sections associated with design review – and we'll see how we can pull together the essence of all those so that we'll have a single ordinance that makes sense.

ADJOURNMENT:

The meeting adjourned at 9:50 p.m. to a Study Session/Field Visit on Tuesday, August 6, 2002 at 6:00 p.m. at 1301 Ralston Avenue, to be followed by a Regular Meeting at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

Audiotapes of Planning Commission Meetings are available for review

in the Community Development Department

Please call (650) 595-7416 to schedule an appointment.